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1445 ROSS AVENUE  
SUITE 3200DALLAS, TEXAS 75202 **RECEIVED** CENTRAL FAX CENTER(214) 855-4500  
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FROM THE DESK OF  
Andre M. Szwalski  
(214) 855-4795

DEC 03 2003

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
1. Examiner K. Rowan	USPTO	703-872-9306	703 308 2321

## • MESSAGE •

Please deliver immediately to Examiner K. Rowan at Group Art Unit 3643.

re: Serial No. 10/043,518, filed Jan. 11, 2002.

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Time: 3:25 PM

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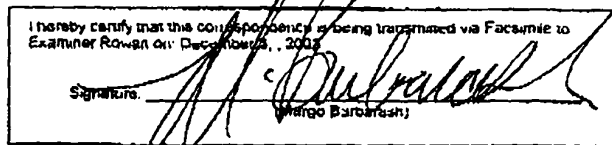
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Application No.: 10/043518

Docket No.: 62495-00003USPT



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Kenneth R. Spencer, Sr., et al.

Application No.: 10/043518

Art Unit: 3643

Filed: January 11, 2002

Examiner: K. Rowan

For: FISH LURING SYSTEM

STATEMENT REPORTING INTERVIEW SUMMARY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Interview Summary (paper 18) dated November 18, 2003, Applicants provide this Statement reporting the substance of the telephonic interview held with the Examiner on November 17, 2003.

In the telephonic interview, Applicants asserted that the cited prior art failed to teach a vibrating assembly as claimed. In response, the Examiner pointed to the motor present in the cited prior art and asserted that it inherently vibrated when run, and thus broadly met the recited claim language. Applicants pointed out that such inherent vibration, to the extent it existed, was not intentional and that the vibrating assembly of the claimed invention produced an intentional vibration. Applicants further noted, pointing to the dependent claims directed to a motor plus eccentric member, that this structure, through the eccentric, produced vibration in addition (or supplemental) to any inherent vibration caused by motor operation. Applicants further pointed to the cited prior art and asserted that none of the references taught or suggested such supplemental vibration. More specifically, the Shepard reference taught only a motor spinning a

Application No.: 10/043518

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line within a tube, and the Yankains reference taught a motor and a flywheel, where the flywheel included a counterweight which inherently offset any supplemental vibration. Applicants thus asserted that the art either did not address the issue of supplemental vibration or taught away from the use of such supplemental vibration.

Applicants further pointed out that independent claim 29 includes limitation similar to those present in objected to dependent claim 41 and thus should have been indicated as allowable.

Although no agreement was reached as to the allowability of the claims, the Examiner did acknowledge the similarities between claims 29 and 41 and further understood the technical point made by Applicants concerning supplemental vibration.

Dated: December 3, 2003

Respectfully submitted,

By

Andre M. Szuwalski

Registration No.: 36,701

JENKENS & GILCHRIST, A PROFESSIONAL CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

(214) 855-4300 (Fax)